

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SENOJA V. MADISON-HAMIM,

Plaintiff,

v.

TIME LIFE LIBRARIES, INC., *et al.*,

Defendants.

Case No. C04-2418L

ORDER DENYING PLAINTIFF'S
MOTION FOR EXTENSION AND
GRANTING DEFENDANTS' MOTION
TO DISMISS FOR FAILURE TO
SERVE

On April 13, 2005, defendants Time-Life Libraries, Inc.; AOL/Time Warner, Inc.; Time, Inc.; Pillsbury Winthrop LLP; Davis, Grumm, Payne, Marra, & Berry; and Elizabeth A. Lalik (collectively, the "moving defendants") filed a motion to dismiss based on plaintiff's failure to serve them within the 120-day period set forth in Federal Rule of Civil Procedure 4(m). (Dkt. #7).

On May 6, 2005, plaintiff Senoja Madison-HaMim filed a motion for an extension of time to respond to the moving defendants' motion to dismiss. See Motion for Extension of Time (Dkt. #17). Plaintiff requests a one week extension to procure affidavits from process servers. Plaintiff filed this action in December 2004, and has not shown good cause for an extension. Moreover, her motion is moot because she has in effect been given an additional seven days

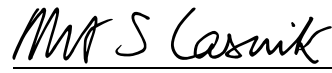
1 during the pendency of her motion for an extension. Despite the *de facto* extension, she has not
2 provided proof of service. Accordingly, plaintiff's motion for an extension is DENIED. (Dkt.
3 #17).

4 The Court also considers the merits of the moving defendants' motion to dismiss. The
5 record clearly shows that plaintiff has not complied with the requirements of Rule 4(m).¹
6 Dismissal is therefore appropriate. See, e.g., Borgan v. Frontier, 710 F. Supp. 1300, 1301 (W.D.
7 Wash. 1988) (noting that "the Ninth Circuit has consistently mandated dismissal when the
8 plaintiff does not complete service within the 120-day period").

9 Because plaintiff has not properly served the moving defendants, their motion to dismiss
10 is GRANTED (Dkt. #7) and plaintiff's claims against the moving defendants are dismissed
11 without prejudice.

12 The Court will issue a separate order regarding the moving defendants' motion for
13 sanctions, noted for consideration on May 27, 2005.

14
15 DATED this 19th day of May, 2005.

16
17 
18 Robert S. Lasnik
19 United States District Judge
20
21
22
23
24
25

26 ¹ Plaintiff has provided proof of service only for AOL/Time Warner, but the service was
27 accomplished after the 120-day period. Plaintiff's Motion, Ex. E.